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INFORMATION FOR OFF-HIGHWAY SPECIAL FUEL AND GASOLINE REFUND APPLICANTS

This notice is intended to provide guidance for taxpayers in maintaining records to support off-highway refund applications. As with any filed return, the fuel refund applications are subject to audit verification. Verification would include ensuring that excise tax is paid on the gallons subject to refund and that the ultimate usage for those gallons qualifies as off-highway.

Records to substantiate qualified gallons and use may include, but not be limited to, the following:

- Fuel purchase invoices and billing statements
- A list of all bulk storage tanks with locations, fuel type, and capacities
- Bulk fuel storage tank inventory readings and reconciliations
- Disbursement records detailing date, gallons disbursed, and equipment fueled
- A list of all owned or leased vehicles and equipment
- Vehicle and equipment usage documentation (i.e. odometers, hour meters, etc.)
- Usage tests to determine formulas for gallons/hour, gal/mile, gals/ton, etc.

Any documentation used to support the purchase and use of Maine tax-paid fuel should be maintained for a least 6 years. Any formulas used to calculate off-highway gallons must be substantiated with actual usage tests. Usage tests must be documented describing the process, result and date of tests. Tests should be performed periodically to ensure the formulas are accurate for current equipment and operating situations.

Fuel used at a manufacturing facility (as defined below) may qualify for refunds at the manufacturing rate.

6-A. Manufacturing facility. "Manufacturing facility" means a site at which are located machinery and equipment used directly and primarily in either the production of tangible personal property intended to be sold or leased ultimately for final use or consumption or the production of tangible personal property pursuant to a contract with the United States Government or any agency thereof. It included the machinery and equipment and all machinery, equipment, structures and facilities located at the site and used in support of production or associated with the production. "Manufacturing facility" does not include a site at which a retailer is primarily engaged in making retail sales of tangible personal property not produced by the retailer. [1999, c. 708, §22 (amd).]

If applying for refunds for manufacturing and non-manufacturing fuel use, make sure to apply the appropriate rates.

Additional information and forms can be obtained by contacting Maine Revenue Services at (207)624-9734 or on the Web at <http://www.state.me.us/revenue/fueltax>.